

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION**

:
: **2:12-md-02311**
: **Honorable Marianne O. Battani**
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**IN RE:
FUEL INJECTION SYSTEMS**

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:
: **Case No. 2:13-cv-02201-MOB-MKM**
:

**THIS DOCUMENT RELATES TO:
DIRECT PURCHASER ACTIONS**

**ORDER GRANTING AMENDED PRELIMINARY APPROVAL OF THE
PROPOSED SETTLEMENT WITH MITSUBISHI ELECTRIC DEFENDANTS AND
PROVISIONAL CERTIFICATION OF DIRECT PURCHASER SETTLEMENT CLASS**

WHEREAS, Direct Purchaser Plaintiff Irving Levine Automotive Distributors, Inc. (“Irving Levine”) is prosecuting Case No. 2:13-cv-02201, Case No. 2:15-cv-13423 (the “Action”), within *In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311 (E.D. Mich.), both individually and on behalf of a class of direct purchasers of Fuel Injection Systems (“Settlement Class”) against Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc. (collectively, “Mitsubishi Electric”); and

WHEREAS, Irving Levine and Mitsubishi Electric entered into a Settlement Agreement (“Settlement Agreement”) dated March 12, 2018 (“Effective Date”) to resolve claims asserted in the Amended Consolidated Class Action Complaint in this Action that Mitsubishi Electric allegedly participated in an unlawful conspiracy to raise, fix, maintain and/or stabilize prices, rig bids, and allocate markets and customers for Fuel Injection Systems (as defined in Paragraph 6 of the Settlement Agreement) in violation of Section 1 of the Sherman Act; and

WHEREAS, on November 10, 2017, Irving Levine and proposed intervenor Vitec, L.L.C. (“Vitec”) filed a Motion to Intervene and Add Intervenor as Additional/Substitute Class Representative Plaintiff and for Leave to File Amended Complaint (“Motion to Substitute”) (Case No. 2:13-cv-02201, ECF No. 53) requesting permission to add Vitec as a named direct purchaser plaintiff and class representative in the Action; and

WHEREAS, the Court granted the Motion to Substitute on September 24, 2018, thus allowing Vitec to be added as a named direct purchaser plaintiff and class representative in the Action (Case No. 2:13-cv-02201, ECF No. 71); and

WHEREAS Paragraph 4 of the Settlement Agreement defines “Direct Purchaser Plaintiff” to mean “the Plaintiff named in the Complaint, or if the Court grants the Motion to Intervene and Add Intervenor as Additional/Substitute Class Representative Plaintiff and for Leave to File Amended Complaint, No. 2:13-cv-02201, Doc. NO. 53, then ‘Direct Purchaser Plaintiff’ means Vitec, L.L.C.; and

WHEREAS, on September 25, 2018, the Court granted preliminary approval of the Settlement Agreement and provisional certification of the direct purchaser settlement class and appointed Irving Levine as Class Representative for the Direct Purchaser Settlement Class (Case No. 2:13-cv-02201, ECF No. 72); and

WHEREAS Mitsubishi Electric, Vitec, and Irving Levine request that the Court appoint Vitec as a Class Representative for the Direct Purchaser Settlement Class; and

It is hereby **ORDERED** as follows:

1. The terms of the Mitsubishi Electric Settlement Agreement are preliminarily approved for the reasons stated in the Court’s order dated September 25, 2018 (Case No. Case No. 2:13-cv-02201, ECF No. 72).

2. The Settlement Class (as defined in the Court's September 25, 2018 Order) remains preliminarily certified for the reasons stated in the Court's September 25, 2018 Order.

3. The Court finds that (a) Vitec's claims present common issues and are typical of the Settlement Class; (b) Vitec will fairly and adequately represent the Settlement Class; and (c) Vitec's interests are aligned with the interests of all other members of the Settlement Class.

4. The Court hereby appoints Direct Purchaser Plaintiffs Irving Levine Automotive Distributors, Inc. and Vitec, L.L.C. to serve as Class Representatives for the Direct Purchaser Settlement Class. In the event that Irving Levine withdraws as or ceases to be a direct purchaser plaintiff in the Action and as Class Representative for the Direct Purchaser Settlement Class, the appointment of Vitec will remain unaffected and Vitec will continue as the sole Class Representative for the Direct Purchaser Settlement Class.

5. All other terms and findings in the Court's September 25, 2018 Preliminary Approval Order remain unchanged and in full effect.

IT IS SO ORDERED.

Date: November 5, 2018

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 5, 2018.

s/ Kay Doaks
Case Manager